# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 08/948,530 | 10/09/1997 | ALEC MILOSLAVSKY | P3253 | 7093 |

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CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA  95004

| EXAMINER |
|---|
| NGUYEN, STEVEN H D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2665 | 24 |

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on 5/28/2003 .

2a)☒ This action is **FINAL**.  2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 6-9 and 14-16 is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 6-9 and 14-16 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____ .

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg

(USP 6064730) in view of Becker (USP 6366575).

Regarding claims 6-8, Ginsberg discloses (Fig 1-5 and col. 1, lines 17 to col. 6, lines 8)

an Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT

calls to at least one agent workstation in an IPNT capable call center (Fig 2, Ref 375 is an agent

workstation at a center), comprising an initial call-processing system in the Internet receiving

IPNT calls from customers in the Internet (Fig 2, Ref 275 is a customer for making an internet

call to a call routing system; See col. 3, lines 7-27), and including a Service Control Point (SCP)

processor routing the incoming IPNT calls to selected agent addresses at the at least one call

center (Fig 2, Ref 275 is a call service and routing for selecting an address of agent for routing a

call; See col. 4, lines 1-37) by using activity information, including one or more of call volume,

agent status, and agent skills, received from the at least one call center to select the agent

addresses at agent workstations in the at least one call center to route the incoming IPNT calls

(Fig 2, Ref 352, 354 and 356 and col. 4, lines 38-63) and a SCP which connects to CTI via an

internet (See col. 4, lines 1-38 and Fig 2, Ref 250 and 275). However, Ginberg fail to disclose a

SCP which receives the agent information from a plurality of call center for storing in the

database in order to route the incoming calls to the call center. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a method and system which including a call center router and a collect data server having a database which stores the received about the status of the agents at the call center (Fig 2, Ref 36 is call routing center and CTI data collection server for collecting the status of the agents of the call center for storing into its database and call center router using this information to route the incoming calls to the call center) in order to route the incoming calls to the call centers to the agents (See col. 7, lines 34-52 to col. 9, lines 43) and a plurality of workstations which couples to a LAN (Fig 1, Ref 54 is a work stations and Ref 56 is a LAN).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to couple a plurality of call centers with internet for reporting the agent information to a data collect server and retrieve and using the information to route the incoming calls to the call center as disclosed by Becker's system and method into Ginsberg's system. The motivation would have been to perform a load balancing between the call centers in order to reduce a waiting time of a call center.

3.      Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsberg and Becker in view of Bateman (USP 5884032).

Ginberg does not disclose a CTI and a plurality of computers are connected on a LAN and a data server for storing customer information. However, in the same view of endeavor, Bateman discloses a call center discloses a CTI, data server and computers are connected on a LAN (Fig 1, Ref 18, 36, 42 etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a local area network at a call center for connecting a plurality of computers as disclosed by Bateman into the system of Becker and Ginsberg call routing system. The motivation would have been to reduce cost of the call center. Even without, the teaching of Bateman, one of ordinary skill in the art would know how to connect the computers together using a LAN because LAN is well known and expected in the art.

4.      Claims 6-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (USP 5848143) in view of Becker (USP 6044144).

Andrews teaches (Figs 1-15 and col. 1, lines 15 to col. 17, lines 61) an Internet protocol network telephony system having a routing server (48 or 480) and database (54 or 476) for routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in an IPNT capable center (400), comprising an initial call-processing system (48 or 408 for receiving an incoming call and routing the call to agent based on the collected database) in the Internet for receiving calls from customers (410,412) in the Internet (408); the routing server routes the incoming calls to the agents using stored and processed information in the database (historical information) about transactions including agent skill, status, availability, etc. See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See figure 9, col. 11, and lines 39-67. Andrews differs from the claim in that Andrews database is within the call center as opposed to being located remotely from the call center; located in the Internet and routing the incoming call to the call centers. In the same field of endeavor, Becker discloses (Fig 1-6 and col. 1, lines 5 to col. 22, lines 40) a SCP (Fig 2, Ref 36 and 38 which stores the information about the call centers and using this information for routing the incoming

call); CTI processor (Fig 2, Ref 60a) for collecting the information about the call center and

transfer it to a data collected server and call center router (SCP read on the Ref 38 and 36 of Fig

2 which used to route the incoming calls to the call centers; See col. 7, lines 34-52 to col. 9,

lines 43). Therefore, it would have been obvious to one skilled in the art to apply the teaching

of Becker into Andrews' system to have the database located remotely from the call centers with

the motivation being to share the information among the call center and to enhance the reliability

of the sharing even in the case the call center being overload in the internet telephony.

### *Response to Arguments*

5.      Applicant's arguments filed 5/28/2003 have been fully considered but they are not

persuasive.

6.      In response to pages 6-7, the applicant states that Ginsberg fails to teach an SCP at the

Internet level and the components that used to route the call from the customers to the agent are

located at a call center. In reply, Ginsberg discloses a control and signaling module which

couples to the data base such as 352, 354 and 356 including the information such agent skill,

agent status etc for using to route the incoming call from a server 200 to an available agent 350

and 375 at the call center 250 which is Internet base switch wherein the call center connects with

control and signaling module via internet link. The control and signaling module reads on SCP

which used to store information about agents of the call center and collects the information about

the agents from Internet based switch of the call center. The SCP is not located at the call center

250 (See Fig 2 and col. 3, lines 65 to col. 2, lines 37). Becker fails to disclose a database which

stores the information about the available of the agents of the call centers for using to route a call

to an agent at the call center. In reply, Becker discloses a CTI data collection server 38 for collecting data at the network level from the call centers via Internet 26 from CTI server 60. When a call center router receives a call, it uses the collected information at CTI collection server 60 to determine which call center has an available agent and route the call to that call center (Figs 1-3 and col. 7, lines 34 to col. 9, lines 43). The teaching of Ginsberg and Becker perform the claimed invention such as SCP including a database that reads on the database of the Ginsberg and Becker to route an Internet call.

7.      In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Ginsberg discloses a system which includes a signaling and control module for collecting the information about the agents at a call center and using its to route a call to the selected agent. Becker discloses a system that includes a CTI collection server for collecting the information about the agents at a plurality of call centers for using by a call router for routing the call to an available agent of call centers. Therefore, it would have been obvious to one of ordinary skill in the art to apply a teaching of Becker into Ginsberg's system. The motivation would have been to perform a load balancing between the call centers in order to reduce a waiting time of a call center.

8.     In response to applicant's argument that only motivation provided for combination is

derived from applicant's claimed invention, the fact that applicant has recognized another

advantage which would flow naturally from following the suggestion of the prior art cannot be

the basis for patentability when the differences would otherwise be obvious.  See *Ex parte

Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

9.     In response to pages 7-8, the applicant states that Andrews fails to teach an enabling

disclosure in order to allow a communication between routing server and a SCP in the Internet

for routing a call to the call center based on the information was stored at the SCP.  In reply,

Andrews clearly discloses a database 54 is connected to the routing server 48 in Fig 2 and

database 476 is connected to the routing server 480 in figure 10 by using the network level for

routing the incoming call to the agent via Internet.  The database "same as database of SCP"

which communicates with routing server by using a TCP/IP protocol (See col. 11, lines 39 to col.

12, lines 20 and col. 8, lines 24-39 wherein the controller which collects the information of the

agent and using this information for routing a call to an agent wherein controller includes a

database "SCP" and router "call router" as show ed in fig 2).  Furthermore, Becker discloses a

call router for using a database which collects from a plurality of call centers for routing the call

to an available agent at a call center as set forth in paragraph 6.

Furthermore, the applicant states that none of prior arts disclosed a SCP in the Internet.

In reply, the SCP is a device, which includes a database for receiving incoming message and

selecting a destination on the database for routing the call.  So, the teaching of Andrews,

Ginsberg and Becker disclose the SCP in the Internet because a collected database of these

references includes the information of the agents for using to route an incoming call to the agent

at a call center.

### *Conclusion*

10.     **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4700.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
August 4, 2003